

AB:PAS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

SCOTT BRACK and
ELGIN BRACK,
Defendants.

COMPLAINT AND AFFIDAVIT
IN SUPPORT OF AN
APPLICATION FOR AN ARREST
WARRANT

(T. 18, U.S.C., §§ 1951, 924(c)(1)(A)(i),
924(c)(1)(A)(ii), 924(c)(1)(A)(iii) and 2)

18-MJ-1124

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EASTERN DISTRICT OF NEW YORK, SS:

TYLER MICELI, being duly sworn, deposes and states that he is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), duly appointed according to law and acting as such.

Count One: Attempt Hobbs Act Robbery

On or about November 26, 2018, within the Eastern District of New York, the defendants SCOTT BRACK and ELGIN BRACK did attempt to knowingly and intentionally obstruct, delay and affect commerce and the movement of articles and commodities in commerce, by robbery, to wit: armed robbery of United States currency from the Duane Reade store located at 60-02 Roosevelt, Avenue, Queens, New York.

(Title 18, United States Code, Sections 1951 and 2)

Count Two: Hobbs Act Robbery

On or about November 26, 2018, within the Eastern District of New York, the defendants SCOTT BRACK and ELGIN BRACK did knowingly and intentionally obstruct,

delay and affect commerce and the movement of articles and commodities in commerce, by robbery, to wit: armed robbery of United States currency from the 7-Eleven store located at 50-92 Northern Boulevard, Queens, New York.

(Title 18, United States Code, Sections 1951 and 2)

Count Three: Hobbs Act Robbery

On or about November 26, 2018, within the Eastern District of New York, the defendants SCOTT BRACK and ELGIN BRACK did knowingly and intentionally obstruct, delay and affect commerce and the movement of articles and commodities in commerce, by robbery, to wit: armed robbery of United States currency from the Rite Aid store located at 33-01 30th Avenue, Queens, New York.

(Title 18, United States Code, Section 1951 and 2)

Count Four: Hobbs Act Robbery

On or about November 26, 2018, within the Eastern District of New York, the defendants SCOTT BRACK and ELGIN BRACK did knowingly and intentionally obstruct, delay and affect commerce and the movement of articles and commodities in commerce, by robbery, to wit: armed robbery of United States currency from the Rite Aid store located at 115-10 Merrick Boulevard, Queens, New York.

(Title 18, United States Code, Section 1951 and 2)

Count Five: Brandishing a Firearm in Furtherance of a Crime of Violence

On or about November 26, 2018, within the Eastern District of New York, defendant ELGIN BRACK did knowingly and intentionally use and carry one or more firearms during and in relation to a crime of violence, to wit: violations of 18 U.S.C. § 1951,

and did knowingly and intentionally possess such firearms in furtherance of that crime of violence, one or more of which firearms were brandished.

(Title 18, United States Code, Sections 924(c)(1)(A)(i) and 924(c)(1)(A)(ii))

Count Six: Discharging a Firearm in Furtherance of a Crime of Violence

On or about November 26, 2018, within the Eastern District of New York, defendant ELGIN BRACK did knowingly and intentionally use and carry a firearm during and in relation to a crime of violence, to wit: a violation of 18 U.S.C. § 1951, and did knowingly and intentionally possess such firearm in furtherance of that crime of violence, which firearm was discharged.

(Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 924(c)(1)(A)(iii))

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Special Agent assigned to the ATF and New York City Police Department ("NYPD") Joint Robbery Task Force, and have been involved in the investigation of numerous cases involving robberies and firearms offenses. The information in this Complaint comes from my personal involvement in the investigation, a review of records of the ATF, NYPD and other government agencies, including video footage recorded by surveillance cameras, reports of victim interviews and conversations with other law enforcement officers. Unless specifically indicated, all conversations and statements described in this affidavit are related in sum and substance and in part only.

¹ Because the purpose of this Complaint and Affidavit in Support of an Arrest Warrant are to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

The Armed Robbery of Duane Reade Store
Located at 60-02 Roosevelt, Avenue, Queens, New York

2. On or about November 26, 2018 at approximately 3:36 a.m., an African American man, later identified as defendant ELGIN BRACK, entered the Duane Reade store located at 60-02 Roosevelt, Avenue, Queens, New York.

3. Upon entering the store, defendant ELGIN BRACK approached a cash register and attempted to purchase an item. At the time he approached the Duane Reade store register, the store's video surveillance captured defendant ELGIN BRACK wearing dark colored pants with multiple horizontal copper zippers and multiple holes on the front of the pants' legs, a dark colored hoodie with a green hood, green upper torso covering his shoulder area and red writing on the back of the hoodie, black gloves with white writing on the top of the gloves and white sneakers. Defendant ELGIN BRACK's face was not covered.

4. In response to the defendant ELGIN BRACK approaching the cash register a Duane Reade employee, Victim 1 (hereinafter "Victim 1"), opened the store's cash register. Defendant ELGIN BRACK then approached the cash register from behind a store counter and an exchange occurred between Victim 1 and defendant ELGIN BRACK. Video footage further captured Defendant ELGIN BRACK fire one shot from a black colored firearm at Victim 1. The shot fired by defendant ELGIN BRACK stuck Victim 1 in his left hand. A struggle between Victim 1 and defendant ELGIN BRACK ensued and Defendant ELGIN BRACK eventually fled the Duane Read store. After the shooting, an unrelated patron of the Dune Reade found Victim 1 and called 911. Upon arrival of NYPD officers determined that Victim 1 was suffering from two gunshot wounds - one in his left hand and once in his head.

The Armed Robbery of a 7-Eleven
located at 50-92 Northern Boulevard, Queens, New York

5. On or about November 26, 2018 at approximately 3:58 a.m., an African American man, later identified as the defendant ELGIN BRACK, entered the 7-Eleven store located at 50-92 Northern Boulevard, Queens, New York. The 7-Eleven store located at 50-92 Northern Boulevard in Queens, New York is approximately .7 miles from the Duane Reade store located 60-02 Roosevelt, Avenue, Queens, New York.

6. Upon entering the 7-Eleven store, defendant ELGIN BRACK walked throughout the store and then exited the store. Shortly after exiting the 7-Eleven store defendant ELGIN BRACK reentered the 7-Eleven. Throughout defendant ELGIN BRACK's two separate periods inside the store 7-Eleven store video surveillance captures defendant ELGIN BRACK wearing dark colored pants with multiple horizontal copper zippers and multiple holes on the front of the pants' legs, a dark colored hoodie with a green hood, green upper torso covering his shoulder area and red writing on the back of the hoodie, black gloves with white writing on the top of the gloves and white sneakers.

7. After entering the 7-Eleven for the second time defendant ELGIN BRACK approached a 7-Eleven store employee (hereinafter "Victim 2") who was working at the store's cash register. Defendant ELGIN BRACK then attempted to purchase two pieces of candy. In response to this attempted purchase, Victim 2 opened the store's cash register, and defendant ELGIN BRACK displayed a black firearm, and demanded all of the money in the register. In response Victim 2 handed defendant ELGIN BRACK the 7-Eleven register's cash tray that contained approximately \$300. Defendant ELGIN BRACK then took the

register's tray, along with the approximately \$300, and exited the 7-Eleven. Victim 2 called 911, and reported the armed robbery of the 7-Eleven located 50-92 Northern Boulevard, Queens, New York.

The Armed Robbery of the Rite Aid Store
located at 33-01 30th Avenue, Queens New York

8. On or about September 26, 2018 at approximately 4:20 a.m., an African American man, later identified as the defendant ELGIN BRACK, entered the Rite Aid store located at 33-01 30th Avenue, Queens, New York. The Rite Aid store located at 33-01 30th Avenue, Queens, New York is located approximately 1.5 miles from the 7-Eleven store located at 50-92 Northern Boulevard in Queens, New York.

9. According to an employee in the store (hereinafter "Victim 3"), the defendant ELGIN BRACK approached the register, attempted to make a purchase of a pack of gum. Based on video surveillance, defendant ELGIN BRACK was wearing dark colored pants with multiple horizontal copper zippers and multiple holes on the front of the pants' legs, a dark colored hoodie with a green hood, green upper torso covering his shoulder area and red writing on the back of the hoodie, black gloves with white writing on the top of the gloves and white sneakers.

10. In response to defendant ELGIN BRACK attempting to make a purchase of a pack of gum, Victim 3 opened the store's cash register and defendant ELGIN BRACK then displayed a black firearm. Defendant ELGIN BRACK next told Victim 3 to give him all of the money in the Rite Aid's cash register. Victim 3 handed defendant ELGIN BRACK the cash register tray containing approximately \$802. After taking the cash register tray containing approximately \$802, defendant ELGIN BRACK exited the store. Victim 3

called 911, and reported an armed robbery of the Rite Aid store located at 33-01 30th Avenue, Queens, New York.

11. In addition, during the armed robbery of the Rite Aid store located at 33-01 30th Avenue, Queens, New York, video surveillance outside of this Rite Aid store captured a silver two-door Toyota Solara. During that video the driver of the silver two-door Toyota Solara, later identified as defendant SCOTT BRACK, exited out of the silver two-door Toyota Solara and discarded an item consistent in size and shape with the 7-Eleven cash register tray taken from the 7-Eleven located at 50-92 Northern Boulevard, Queens, New York. The surveillance video also captures defendant SCOTT BRACK wearing gray colored pants, a gray colored hoodie, a dark colored jacket, white shoes and a black hat.

The Armed Robbery of the Rite Aid Store
located at 115-10 Merrick Boulevard, Queens New York

12. On or about September 26, 2018 at approximately 5:45 a.m., an African American man, later identified as the defendant ELGIN BRACK, exited a two-door Silver Toyota Solara and entered a Rite Aid store located at 115-10 Merrick Boulevard, Queens, New York. The Rite Aid store located at 115-10 Merrick Boulevard, Queens, New York is located approximately 11.7 miles from the Rite Aid store located at 33-01 30th Avenue, Queens, New York.

13. According to an employee in the Merrick Boulevard Rite Aid store (hereinafter "Victim 4"), the defendant ELGIN BRACK approached the register and attempted to make a purchase of a Snickers candy bar. Based on video surveillance from the Merrick Boulevard Rite Aid store, defendant ELGIN BRACK was wearing dark colored pants with multiple horizontal copper zippers and multiple holes on the front of the pants' legs, a

dark colored hoodie with a green hood, green upper torso covering his shoulder area and red writing on the back of the hoodie, black gloves with white writing on the top of the gloves and white sneakers.

14. In response to defendant ELGIN BRACK attempting to purchase the Snickers candy bar, once Victim 4 opened the store's cash register defendant ELGIN BRACK then displayed a black firearm, and told Victim 4 to give him all of the money in the Rite Aid's cash register or defendant ELGIN BRACK would shoot Victim 4. Victim 4 then handed defendant ELGIN BRACK the cash register tray containing approximately \$200. After taking the cash register tray containing approximately \$200, defendant ELGIN BRACK exited the store and fled in the two-door Silver Toyota Solara. Victim 4 called 911, and reported an armed robbery of the Rite Aid store located at 115-10 Merrick Boulevard, Queens, New York.

15. License plate reader data available to NYPD shows that on November 26, 2018, at 3:42 a.m., approximately 6 minutes after the above-described first robbery, that a two-door Silver Toyota Solara was located at on Roosevelt Avenue and 58th Street in Queens, New York.

16. On November 26, 2018, at 6:45 p.m., Joint NYPD and ATF Robbery Task Force investigation revealed a two-door Silver Toyota Solara, with the same license plate number from the earlier 3:42 a.m. NYPD license plate reader data, in the area of 2008 Hughes Avenue, Bronx, New York.

17. In response to a potential match of the car used in the four armed robberies members of the Joint NYPD and ATF Robbery Task Force went to the area of 2008

Hughes Avenue, Bronx, New York. After arriving in that area agents observed a two-door Silver Toyota Solara that was occupied by three African American men and one child. Two of the car's occupants were later identified as defendants SCOTT BRACK and defendant ELGIN BRACK. The members of the Joint NYPD and ATF Robbery Task Force approached the two-door Silver Toyota Solara and informed its occupants, including defendant SCOTT BRACK and defendant ELGIN BRACK that the car they were in was the subject of interest in a series of armed robberies. Defendant SCOTT BRACK and defendant ELGIN BRACK and the other occupant of the two-door Silver Toyota Solara were then placed in handcuffs.

18. Found inside the two-door Silver Toyota Solara was a backpack that contained a wallet with a piece of photo identification for defendant ELGIN BRACK, as well as a black firearm - a .357 caliber Dan Wesson Arms revolver. The recovered firearm had two spent ammunition casings consistent with having been fired. In addition, immediately beneath defendant ELGIN BRACK's person was a dark colored hoodie with a green hood, green upper torso covering the shoulder area and red writing on the back of the hoodie, which based upon a review of the surveillance footage from the four robberies was consistent with the clothing worn at each incident. In addition, defendant ELGIN BRACK is wearing white sneakers that were consistent with the shoes worn during each armed robbery. In addition, to the dark colored hoodie with a green hood, green upper torso covering the shoulder area and red writing on the back of the hoodie recovered from the two-door Silver Toyota Solara were also recovered in the same location were dark colored pants with multiple horizontal copper

zippers and multiple holes on the front of the pants' legs that were consistent with those worn in each of the four armed robberies by defendant ELGIN BRACK.

19. SCOTT BRACK was wearing a gray hoodie and black jacket consistent with the hoodie and jacket that were worn by the driver of the two-door Silver Toyota Solara outside of the third armed robbery at the Rite Aid at 33-10 30th Avenue, Queens, New York.

20. Upon their arrests, defendant SCOTT BRACK was read his Miranda rights, which he waived, agreeing to speak without an attorney present. SCOTT BRACK admitted to driving ELGIN BRACK to the armed robbery at Duane Reade located at 6002 Roosevelt Avenue, Queens, New York, the armed robbery at the 7-Eleven located at 5092 Northern Boulevard, Queens, New York and the armed robbery at the Rite Aid located at 115-10 Merrick Boulevard, Queens, New York.

21. The Duane Reade store located at 6002 Roosevelt Avenue, Queens, New York, the 7-Eleven store located at 5092 Northern Boulevard, Queens, New York, the Rite Aid store located at 33-01 30th Avenue, Queens New York and the Rite Aid store located at 115-10 Merrick Boulevard, Queens, New York are all involved involve in interstate commerce in that the items that they sell, including but not limited to Hershey Candy bars, Tropicana Orange Juice and Gatorade sports drinks, are manufactured outside of New York and therefore traveled in interstate commerce.

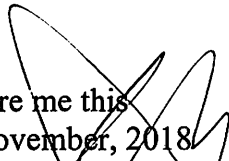
22. Additionally, while processing the defendant SCOTT BRACK at the ATF Bronx New York Office, SCOTT BRACK had in his possession \$382 and defendant ELGIN BRACK had in his possession \$6,148.

23. On or about November 26, 2018 I spent approximately 12 hours with the defendants SCOTT BRACK and ELGIN BRACK, during which time I became familiar with their physical appearance and mannerisms. I have reviewed the above-referenced video surveillance from each of the armed robbery incidents, and based on my own experience with defendants SCOTT BRACK and ELGIN BRACK, I believe that the defendants are the individuals in each of these videos.

WHEREFORE, your deponent respectfully requests that the defendants SCOTT BRACK and ELGIN BRACK be dealt with according to law.



TYLER MICELI
Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives



Sworn to before me this
27th day of November, 2018

/s/ SMG

THE HONORABLE STEVEN M. GOLD
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK